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Via ECFS & Hand-Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request for Waiver of DTV Checklist Facilities Deadline
KVTV-DT, Laredo, Texas (Facility ID No. 33078)
MB Docket No. 03-15

Dear Ms. Dortch:

Eagle Creek Broadcasting of Laredo, LLC ("ECBL") is the licensee of Television Station KVTV, Laredo, Texas (Facility ID No. 33078). Two days prior to the August 4, 2005 deadline for seeking waivers of the DTV checklist facilities deadline, ECBL filed its request for an extension of the KVTV-DT construction permit (*see* FCC File No. BEPCDT-20050802AKI). That extension request fully disclosed to the Commission all information pertinent to ECBL's request for waiver of the DTV checklist facilities deadline. To the extent necessary, ECBL respectfully requests that its August 2, 2005 extension request also be treated for procedural purposes as its request for waiver of that deadline. The instant letter is being filed in the form specified by the Commission's Public Notice released June 15, 2005 (DA 05-1636).

The 1998 DTV Table of Allotments specifies DTV Channel 14 for KVTV. On May 20, 2003, ECBL filed a Petition for Rule Making to amend Section 73.622(b) of the Commission's Rules, the DTV Table of Allotments, to substitute DTV Channel 31 as the DTV allocation for KVTV in lieu of DTV Channel 14 (MB Docket No. 03-156; RM-10721). ECBL sought the proposed DTV channel change in order to avoid potential interference to land mobile radio service ("LMRS") reception at base stations and mobile receivers operating on frequencies adjacent to DTV Channel 14. Specifically, ECBL determined that there are presently approximately 150 LMRS licensees operating in the Laredo area, including Mercy Regional Medical Center/Mercy Health Center and the United Independent School District.



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Due to the proximity of Laredo, Texas to the U.S.-Mexican border, Mexican concurrence to the proposed channel change is required. Although ECBL's rulemaking proposal was filed on May 20, 2003, and ECBL periodically inquired of FCC staff as to the status of Mexican concurrence to the proposed channel change, ECBL was informed in early January 2005 that the FCC had, in fact, inadvertently neglected to submit ECBL's channel change proposal to Mexican authorities for such concurrence. ECBL understands that the KVTV-DT proposal was submitted to Mexican authorities for concurrence shortly after that discovery. However, that inadvertent oversight has further delayed FCC processing of ECBL's rulemaking proposal, a circumstance clearly beyond the control of ECBL.

KVTV(TV) presently operates on NTSC Channel 13, and has elected to operate KVTV-DT on that NTSC channel post transition. *See* FCC File No. BFRECT-20050210ALZ. If ECBL were required to initiate digital television operations on KVTV-DT on DTV Channel 14, even on a temporary basis, it would be required to expend scarce financial resources on equipment that would otherwise be unnecessary for operation on Channel 31, once the rulemaking proposal has been granted, or ultimately on Channel 13, post transition. Specifically, ECBL would be required to purchase a land mobile filter for the KVTV-DT transmitter to protect existing LMRS licensees in the Laredo area, at a cost of approximately \$40,000. In the event that interference nevertheless occurs (a likely scenario given that three LMRS licensees operate from the proposed KVTV-DT tower), ECBL also would be required to purchase, at its expense, individual filters for each affected LMRS receiver and transmitter. Since each of the approximately 150 LMRS stations may utilize between two and eight receivers, and each receiver filter costs approximately \$750, ECBL could be forced to incur hundreds of thousands of dollars in otherwise unnecessary costs in order to protect such LMRS stations. Such unnecessary expenditures are all the more unwarranted in light of the small size of the Laredo, Texas television market the (the 190th ranked DMA, as reported by Nielsen).

In light of the unwarranted expenses associated with even temporary operation on DTV Channel 14, ECBL submits that grant of its request for waiver of the DTV checklist facilities deadline is amply justified and clearly warranted, and such a waiver is respectfully requested.

Respectfully yours,

John D. Poutasse

cc: Barabara Kreisman, Esq.
Shaun Maher, Esq.